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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,791	02/25/2002	Mark Madison Engleman		7982

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Mark Engleman
607 East Reserve Street
Vancouver, WA 98661

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Newly submitted claims 4 and 5 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Independent claims 4 and 5 recite a method to evaluate a business process control mechanism based on the weighted priorities of a particular organization comprising, (a) using said weighted priorities that are specific to said particular organization, review the capability for a specific said business process control mechanism to meet each said weighted priority and (b) a calculation for each said business process control mechanism comprised of an aggregate score developed from a numeric value of said weighting from each said weighted priority and numeric values for each said weighted priorities' said answers, using said standard answer codes; and a method to prepare to implement and over time increasingly implement a business process control mechanism to meet business process support objectives of a particular organization comprising: (a) using said business process support objectives that are relevant to said particular organization, review each said business process support objective and the ability of said business process control mechanism to achieve said business process support objective, (b) manage said effort to implement and further implement said business process control mechanism by using said attributes and said answer codes to locate the most appropriate said business process support objectives to implement with said business process control mechanism, and (c) develop implementation progress statistics over time for

one or aggregated organizations, such as said particular organization, comprised of an aggregate calculated score developed from a weighting and non-weighted numeric values for each said business process support objective.

Whereas, original claims 1-3 include a method for planning and executing a business software planning and management process and analyzing a business entity to devise and maintain a business software management plan applicable to the said business entity. As such, claims 1-3 are not directed to, inter alia, (a) using said weighted priorities that are specific to said particular organization, review the capability for a specific said business process control mechanism to meet each said weighted priority, and (b) a calculation for each said business process control mechanism comprised of an aggregate score developed from a numeric value of said weighting from each said weighted priority and numeric values for each said weighted priorities' said answers, and (a) using said business process support objectives that are relevant to said particular organization, review each said business process support objective and the ability of said business process control mechanism to achieve said business process support objective.

2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 4 and 5 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. The amendment filed on March 23, 2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Conclusion

4. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

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adb
June 1, 2007

CB
ANDRE BOYCE
PATENT EXAMINER
A-U 3623